



AIR TRANSPORT ASSOCIATION



January 9, 2003

Docket Management System  
U.S. Department of Transportation  
Room Plaza 401  
400 Seventh Street, SW  
Washington, D.C. 20590-0001

Mr. Frederick Sobeck  
Airplane Maintenance Division, AFS-308  
Flight Standards Service  
Federal Aviation Administration  
800 Independence Ave., SW  
Washington, D.C. 20591

**Re: Aging Aircraft Safety/Interim Final Rule: Request for Comments**  
**Docket Number FAA-1999-5401**  
**67 Fed. Reg. 72726 (December 6, 2002)**

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Dear Sir or Madam:

In view of the significant and as yet not fully defined impact of the proposed Interim Final Rule, the Air Transport Association of America, Inc. ("ATA")<sup>1</sup> and the Regional Airline Association ("RAA"),<sup>2</sup> on behalf of their respective member airlines, file this

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<sup>1</sup> ATA is the principal trade and service organization of the U.S. scheduled airline industry. Members are: Airborne Express, Alaska Airlines, Aloha Airlines, America West Airlines, American Airlines, American Trans Air, Atlas Air, Continental Airlines, Delta Air Lines, DHL Airways, Emery Worldwide, Evergreen International, Federal Express, Hawaiian Airlines, JetBlue Airways, Midwest Express Airlines, Northwest Airlines, Polar Air Cargo, Southwest Airlines, United Airlines, United Parcel Service, and US Airways. Associate members are: Aerovias de Mexico, Air Canada, KLM-Royal Dutch Airlines, and Mexicana de Aviacion.

<sup>2</sup> RAA's members are: Aerolitoral, Air Canada Regional, Air Serv International, Air Wisconsin Airlines Corporation, AirNet Systems, Allegheny Airlines, Alpine Air, American Eagle Airlines, Atlantic Coast Airlines, Atlantic Southeast Airlines, Big Sky Airlines, Cape Air, Champlain Air, Chautauqua Airlines, Chicago Express Airlines, Colgan Air, Comair, CommutAir, Continental Express, Corporate Air, Corporate Airlines, Delta Connection Inc., Eagle Aviation, Empire Airlines, Era Aviation, Executive Airlines, Express Airlines I, FedEx, Grand Canyon Airlines, Great Lakes Aviation, Great Plains Airlines, Gulfstream International Airlines, Horizon Air, IBC Airways, Island Air, Lynx Air International, Mesaba Aviation, MidAtlantic Airways, Midway Airlines, New England Airlines, North-South Airways, Pace Airlines, PSA Airlines, Pan Am, Piedmont Airlines, Rocky Mountain Airlines, Salmon Air/Seaborne Airlines, Shuttle America, SkyWest Airlines, Skyway Airlines, Sunworld International Airlines, Trans States Airlines, US Airways Express, United Express and Walker's International

request for a ninety (90) day extension of the comment period on the **Interim Final Rule on Aging Aircraft Safety (the “Rule”)**, Docket Number FAA-1999-5401, and accompanying **Draft Advisory Circulars AC 120-XX, AC 91-56B and AC 91-60A (“Advisory Circulars”)**<sup>3</sup>. Comments would be due by May 3, 2003. In the Preamble to the Rule, FAA states that the Rule may be amended in light of comments received and invites additional comments on both the Rule and Advisory Circulars.<sup>4</sup> We believe the additional time will benefit the public, industry, and FAA by permitting ATA and RAA sufficient time to develop meaningful, substantive comments.

The Rule and Advisory Circulars raise complex and far reaching issues. The FAA states they have been issued in response to the “Aging Aircraft Safety Act of 1991,” 49 U.S.C. Sec. 44717 (the “AASA”) and shaped, in part, by the Notice of Proposed Rulemaking (“NPRM”) entitled “Aging Airplane Safety” issued on April 2, 1999<sup>5</sup>. The NPRM caused great concern for the operators and original equipment manufacturers as was evidenced by the extensive comments filed, including detailed comments by ATA and RAA.<sup>6</sup> As FAA notes in the Preamble to this Rule, the industry has made significant contributions to the development of this “significant and controversial rulemaking action.” However, for many years before the issuance of the NPRM and continuing today, the FAA, the operators and manufacturers have worked together to address issues relating to aging aircraft within the auspices of the FAA’s Aging Airplane Program; the carriers have implemented continuous maintenance programs designed to address these issues. We again urge the FAA to recognize the benefits of these efforts and programs in the final Rule, all of which permit the FAA to fulfill its statutory responsibility under the AASA.

The Rule raises as many concerns for the industry as the NPRM raised in 1999; the Rule’s intent and potential impact on maintenance/inspection programs are not yet understood. To make the comments more meaningful, our members need sufficient time to understand the implications of the Rule and to meet with technical experts concerning technical requirements, long term planning/personnel needs, possible alternative compliance procedures, and costs. As requested by the FAA in the Preamble, and given sufficient time to develop the data, comments by ATA and RAA will address these issues, including how implementation costs could be further reduced.<sup>7</sup> As acknowledged by the FAA, for a variety of reasons the estimated total costs of the Rule is higher than the initial regulatory evaluation.<sup>8</sup>

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<sup>3</sup> AC 120-XX entitled “Aging Airplane Inspections and Records Review,” AC 91-56B entitled “Continued Structural Integrity program for Airplanes,” and AC 91-60A entitled “Continued Airworthiness of Older Airplanes.”

<sup>4</sup> 64 Fed. Reg. 72727.

<sup>5</sup> 64 Fed. Reg. 16298 (April 2, 1999).

<sup>6</sup> ATA’s comments filed on October 22, 1999 and RAA’s comments filed on July 30, 1999.

<sup>7</sup> 64 Fed. Reg. 72726.

<sup>8</sup> 64 Fed. Reg. 72752.

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On January 8, 2003, ATA hosted a meeting about the meaning and possible impact of the Rule and Advisory Circulars between representatives of the carriers and manufacturers. There is still much confusion about what is and is not required and, therefore, it is still difficult to determine the impact. We need time for additional informational industry meetings. For example, at the upcoming January 21<sup>st</sup> meeting of the Airworthiness Assurance Working Group (the "AAWG") the participants will discuss the Rule and Advisory Circulars, and the possible role of the manufacturers. This may improve the industry's understanding of the Rule and its implications; further discussion about the need to move this rulemaking effort to the Aviation Rulemaking Advisory Committee (the "ARAC") is likely as well as the AAWG's possible involvement. The ARAC's consideration of the proposed Rule will not detract from or circumvent the current process; it will permit thorough analyses of the Rule's scope/impact by leading technical experts. In addition, we understand that FAA will host a February 27<sup>th</sup> meeting in Seattle (three weeks after the close of the current comment period) during which the Transport Airplane Directorate will discuss the Rule and compliance issues relating to repairs. In view of the current confusion as to how the Rule should be interpreted, the industry needs the guidance and information from this meeting before submitting comments.

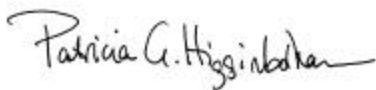
ATA, RAA, and their respective member airlines appreciate this opportunity to continue to work with FAA on safety issues impacting aging aircraft, and believe a relatively short extension of the comment period for the Rule and Advisory Circulars will ensure a workable process. Given the FAA's need to review the many comments on the Rule and Advisory Circulars it will likely receive and openness to revisions, we also request an extension of the Rule's effective date and related compliance dates by one year. The impact of any significant changes to existing carrier maintenance/inspection programs, considering the number of affected aircraft, will require long term planning and coordination.

Please contact me if you have any questions about this request for an extension of the comment period and compliance dates.

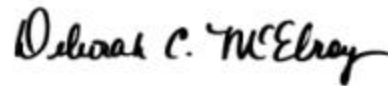
Sincerely,

AIR TRANSPORT ASSOCIATION, INC.

REGIONAL AIRLINE ASSOCIATION



Patricia G. Higginbotham  
Assistant General Counsel



Deborah C. McElroy  
President

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